

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOPE STOFFLET,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No. 02-CV-2676
	:	
K.K. FIT, INC. d/b/a GOLD'S GYM,	:	
KURT KRIEGER and KRIS KRIEGER,	:	
Defendants.	:	

**DEFENDANTS' MOTION TO DISMISS**

Defendants K.K. Fit, Inc., Kurt Krieger and Kris Krieger, through their undersigned counsel, hereby move to dismiss the Amended Complaint filed against them by Plaintiff Hope Stofflet pursuant to Federal Rule 12(b)(3), and in support thereof state as follows:

1. Plaintiff has brought claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §951 et seq., and the Pennsylvania Human Relations Act, 43 P.S. §951 et seq., against Defendant KWK, Inc. Plaintiff has also alleged a common law claim of intentional infliction of emotional distress against Defendants Kurt Krieger and Kris Krieger.

2. Plaintiff is a resident of Lehigh County.

3. Defendant Kris Krieger is a resident of the state of Florida.

4. Defendant Kurt Krieger maintains his residence in York, Pennsylvania.

5. Defendant K.K. Fit, Inc. is a Pennsylvania corporation which maintains its principal place of business in York, Pennsylvania.

6. Defendant K.K. Fit, Inc.'s sole contact with the Eastern District of Pennsylvania is to serve as a parent holding company for various subsidiary corporations located within the Eastern District.

7. Defendants Kurt Krieger and Kris Krieger have no individual contact with respect to the Eastern District.

8. A substantial part of the events giving rise to Plaintiff's claims did not occur within the Eastern District.

9. As such, venue is improper with respect to Plaintiff's claims, thereby necessitating the dismissal of Plaintiff's Amended Complaint or the transfer of this action to the Middle District of Pennsylvania.

10. In the alternative, if the Court finds that venue is proper with this Court, the matter should be transferred to the Court's facility in Reading for the convenience of the parties and in the interests of justice.

11. The grounds and authorities in support of Defendants' Motion are set forth in the accompanying Brief.

WHEREFORE, Defendants respectfully request that the Court grant their Motion in its entirety.

Respectfully submitted,

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John L. Senft, Esquire  
Supreme Court No. 64486  
Barley, Snyder, Senft & Cohen, LLC  
100 East Market Street  
P. O. Box 15012  
York, PA 17405-7012  
(717) 846-8888

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of July, 2002, I served the foregoing Motion to Dismiss and Brief in support thereof upon counsel for Plaintiff by depositing the same in the United States mail, postage prepaid, at York, Pennsylvania, addressed as follows:

David L. Deratzian, Esquire  
Hahalis & Kounoupis, P.C.  
20 East Broad Street  
Bethlehem, PA 18018

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John L. Senft, Esquire

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Defendants.	:	

**ORDER**

Upon consideration of Defendants' Motion to Dismiss and any opposition thereto, it is  
this \_\_\_\_\_ day of \_\_\_\_\_, 2002, hereby Ordered that Defendants' Motion is granted and  
that Plaintiff's Amended Complaint is dismissed.

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Judge, United States District Court for the  
Eastern District of Pennsylvania